

01GAAKASC

Conference

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 INGBER, ET AL.,

4 Plaintiffs,

5 v.

23 CV 10023 (PAC)

6 NEW YORK UNIVERSITY,

7 Defendant.

8 -----x

9 New York, N.Y.  
January 16, 2023  
2:45 p.m.

10 Before:

11 HON. PAUL A. CROTTY,

12 District Judge

13 APPEARANCES

14 KASOWITZ, BENSON, TORRES LLP

15 Attorneys for Plaintiff Ingber, Et Al

16 BY: MARK P. RESSLER

ANDREW SCHWARTZ

JOSHUA ROBERTS

17 O'MELVENY & MYERS, LLP

18 Attorneys for Defendant NYU

19 BY: DANIEL M. PETROCELLI

01GAAKASC

Conference

1 (Case called)

2 MR. RESSLER: Mark Ressler, from Kasowitz Benson  
3 Torres, on behalf of plaintiffs.

4 Good afternoon, your Honor.

5 THE COURT: Hello, Mr. Ressler.

6 MR. PETROCELLI: Daniel Petrocelli, of O'Melveny &  
7 Myers, on behalf of defendant NYU.

8 THE COURT: Mr. Petrocelli, how are you?

9 MR. PETROCELLI: I'm fine, your Honor. Thank you.

10 There are other counsel I think for both parties on  
11 the line as well. You want to identify yourselves?

12 MR. RESSLER: Sure, your Honor. On behalf of  
13 plaintiffs, as well as me, we have Andrew Schwartz and Joshua  
14 Roberts.

15 THE COURT: Okay.

16 MS. TAYLOR: Jennifer Taylor, from O'Melveny & Myers.

17 MR. MILLER: Will Miller, from the NYU Office of  
18 General Counsel.

19 MR. VARUGHESE: Matt Varughese, the Office of General  
20 Counsel for NYU. Thank you.

21 THE COURT: Mr. Petrocelli, this is your application.  
22 So you want to go ahead and tell me what that's about?

23 MR. PETROCELLI: Yes, your Honor.

24 When we received the original complaint of this action  
25 we submitted a document Number 19 premotion letter in

01GAAKASC

Conference

1 anticipation of a motion to dismiss. And the plaintiff's  
2 counsel responded in Document 20 disagreeing with our position  
3 but also indicating that they intend to file an amended  
4 complaint by the end of this month. So, my suggestion is that  
5 there's no utility in addressing a complaint that's about to be  
6 superseded and that we await for the amended complaint which  
7 plaintiff's counsel has indicated not only will it have  
8 additional allegations but additional plaintiffs.

9 So, my suggestion is that we'll evaluate their amended  
10 complaint once we receive it, assess whether we intend to make  
11 a motion, and if so, we'll submit another letter to your Honor.

12 THE COURT: All right. Is this agreeable with all  
13 parties?

14 MR. RESSLER: Yes, judge, that's correct. Counsel is  
15 correct in that at the end of the month we are going to file an  
16 amended complaint that will include additional plaintiffs, as  
17 well as additional allegations concerning abuse and harassment  
18 of students at NYU.

19 So, we propose that the parties meet and confer once  
20 we get that amended complaint on file, and then we can submit  
21 to your Honor for your Honor's consideration a proposed  
22 briefing schedule to the extent that NYU decides it still wants  
23 to proceed with a motion to dismiss.

24 THE COURT: All right. That's fine with me.

25 So you'll meet and confer within a week to ten days

01GAAKASC

Conference

1 and then let me know what the schedule is.

2 MR. RESSLER: Yes, judge.

3 MR. PETROCELLI: Yes, your Honor.

4 THE COURT: All right. Anything else to do today?

5 MR. RESSLER: Nothing from plaintiffs.

6 MR. PETROCELLI: Not for defendants. And thank you  
7 very much, your Honor.

8 THE COURT: Thank you for being so cooperative. I  
9 appreciate it. Talk to you soon.

10 (Adjourned)